THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4462 of 2007

Dated:06.03.2007

Between:

Goluguri Amaravathi.

…Petitioner

and

The Revenue Divisional Officer and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.4462 of 2007

ORDER:

The petitioner is allegedly owner of land admeasuring 400 square yards (224½ square metres) comprised in Survey No.325/1 situated at Gorripudi Village of Karapa Mandal in East Godavari District. She allegedly purchased the same under registered sale deed dated 06.10.2000 and constructed a thatched house in 2005. It is further alleged that the second respondent along with the third respondent came to the land in December 2006 and directed the petitioner to remove the thatched house on an allegation that the petitioner encroached upon the Government land. The second respondent then issued a notice in M.C.No.1 of 2007, which was taken on file purportedly under Section 145 of the Code of Criminal Procedure, 1973, showing the third respondent, the petitioner and others as opposite parties. Notice was served on 17.01.2007 alleging that there is a breach of peace regarding the dispute as to possession of the land in Survey No.325/1. The petitioner approached the second respondent on 23.01.2007 and staked his claim to ownership. The second respondent passed orders to the effect that the petitioner is trespasser in the Government land and directed the third respondent to safeguard the Government land. The petitioner also contends that even if the land is classified as Grama Kantam (Village Site Poramboke), the petitioner cannot be dispossessed, as she is in possession by virtue of a registered sale deed. Therefore, she seeks a writ of mandamus restraining the respondents from interfering with her possession.

Learned Assistant Government Pleader for Revenue (General-A) after getting instructions from the second respondent submits that the land in Survey No.325/1 is a Grama Kantam land, and therefore, a road is being laid for the benefit of the people. He, however, does not dispute that the second respondent has not initiated action under the Andhra Pradesh Land Encroachment Act, 1905, for evicting the petitioner.

Therefore, this Court observes that unless and until the petitioner is evicted from Grama Kantam land by following due process of law, the petitioner's possession – if she is in possession as on today; cannot be disturbed.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

06.03.2007

Note: Issue C.C in three days.

B/o.

vs